

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CHRISTINE MALAFI
COUNTY ATTORNEY

DEPARTMENT OF LAW
ADDRESS ALL COMMUNICATIONS
IN THIS MATTER TO:

October 28, 2011

United States District Court Judge Joanna Seybert
Alphonse M. D'Amato Federal Courthouse
100 Federal Plaza
Central Islip, New York 11722

Re: Toussie v. County of Suffolk
07-CV-4196 (JS)(ARL)

Dear Judge Seybert:

The undersigned represents the defendant, County of Suffolk. It is the position of the County that the issues raised by this lawsuit have been and are fully resolved. To that end, we have asked the plaintiff to forward a stipulation of discontinuance to us, so that we can file such with the Court.

Briefly, in 2007, the County instituted a pre-registration form which was required for all potential bidders to fill out and sign to become eligible to participate in any upcoming sales tax auctions.

Plaintiff had refused to answer certain questions on the form and his registration therefore was rejected. Plaintiff brought suit regarding the 2007 auction and a hearing was held before this Court. Plaintiff agreed to fully fill out the registration form, such was accepted by the County and the plaintiff attended the 2007 auction. This process has continued to the present.

As the registration form was never changed and plaintiff answered all the questions and was approved and this continues to the present, we believe there simply is no issue left to be determined.

While we believe that plaintiff wished to monitor his attendance at yearly auctions to the time of the resolution of their consolidated lawsuit before this Court, as that case has resolved, we maintain that the 2007 matter should be discontinued.

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If plaintiff does not voluntarily forward a stipulation of discontinuance, we will file a motion for dismissal.

Respectfully submitted,

CHRISTINE MALAFI
Suffolk County Attorney

Chris P. Termini
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Assistant County Attorney

CPT:prv